THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 8195 of 2006

Dated: 09.03.2007

Between:

N. Satyanarayana, S/o Nookaraju, aged about 37 years, Retrenched Casual Mazdoor of East Godavari Telecom Dist., Rajahmundry, R/o D.No.62-13-1, Ramannapeta Fort, Siddarthanagar, Rajahmundry, E.G. Dist.

..... PETITIONER

AND

The Sub-Divisional Engineer, Cables-I,
Hotel Mahalakshmi Road, Rajahmundry,
East Godavari District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 8195 of 2006

Order:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not engaging the petitioner as casual labour and in engaging the juniors and freshers as casual labour, as illegal and arbitrary, and consequently to direct the respondents to re-engage the petitioner as casual labour in the works that are being carried in the 2nd respondent jurisdiction.

A counter affidavit is filed by the respondents, denying the allegations of the petitioner, and *inter alia* stating that earlier the petitioner had filed O.A. No. 1420 of 1995 before the Central Administrative Tribunal, Hyderabad, and while dismissing the said O.A., the Tribunal directed the respondents to consider the case of the petitioner for engaging him as casual labour as and when they decide to engage casual labour. But, the Government, vide letters dated 30.03.1985, 22.06.1988 and 15.06.1999, imposed a ban on engaging casual labour and in view of the ban on recruitment of casual labour, the question of engaging juniors and freshers as casual labour does not arise. It is further stated that no cable work was carried out by engaging juniors and freshers as casual labour as alleged in the writ petition and the cable laying works, taken up by GMTD, Rajahmundry, are being carried out by the approved contractors of the Department.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

By this writ petition, the petitioner is seeking to re-engage him as

casual labour on the ground that earlier he worked as casual labour for some time in the respondents-Organisation. His further case is that some of the juniors and freshers are engaged as casual labour and his case was denied. The issues, raised in this writ petition, namely, whether the petitioner earlier worked as casual labour in the respondents-Organisation, and if so, whether he is eligible for re-engagement as casual labour or not, and whether some of the juniors and freshers are engaged as casual labour by denying the case of the petitioner, are all disputed questions of fact, which can be decided only after adducing evidence by the parties, and this Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot decide the same based on the averments made in the writ affidavit.

The writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner is at liberty to approach the appropriate forum provided under law. No costs.

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N.V. RAMANA, J.

Date: 09.03.2007
Nsr/Sj